

CAPTION: Docket No. 2008-0426-MWD-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Teen Challenge of Texas in Nueces County; RN102179124; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0426-MWD-E TCEQ ID: RN102179124 CASE NO.: 35538
RESPONDENT NAME: Teen Challenge of Texas

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Coastal Bend Youth City, located on the north side of United States ("U.S.") Highway 77, approximately two miles north of the intersection of Farm-to-Market Road 655 and U.S. Highway 77, Nueces County</p> <p>TYPE OF OPERATION: Domestic wastewater system</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 18, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Michael Adams, Executive Director, Teen Challenge of Texas, P.O. Box 268, Driscoll, Texas 78351 Mr. Gregory L. Fleck, Vice President/C.O.O., Teen Challenge of Texas, P.O. Box 268, Driscoll, Texas 78351 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 14, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 1, 2008 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>Failure to comply with permit effluent limits for dissolved oxygen, 5-day biochemical oxygen demand, and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011689001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].</p>	<p>Total Assessed: \$5,080</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$580 (remaining \$4,500 due in 9 monthly payments of \$500 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Respondent shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011689001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0011689001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	4-Feb-2008	Screening	12-Mar-2008	EPA Due	
	PCW	5-May-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Teen Challenge of Texas		
Reg. Ent. Ref. No.	RN102179124		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35538	No. of Violations	1
Docket No.	2008-0426-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 160% Enhancement **Subtotals 2, 3, & 7** \$3,200

Notes The penalty is enhanced because the Respondent self-reported 23 months of effluent violations, received four notices of violations (NOVs) that are same or similar to those cited in this action, and received one Agreed Order without a denial of liability.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$1,774	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$25,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$5,200

OTHER FACTORS AS JUSTICE MAY REQUIRE -2% **Adjustment** -\$120

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended reduction to prevent the double enhancement of the penalty for same or similar violations that were not self-reported.

Final Penalty Amount \$5,080

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$5,080

DEFERRAL 0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$5,080

Screening Date 12-Mar-2008

Docket No. 2008-0426-MWD-E

PCW

Respondent Teen Challenge of Texas

Policy Revision 2 (September 2002)

Case ID No. 35538

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102179124

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	27	135%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 160%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced because the Respondent self-reported 23 months of effluent violations, received four notices of violations (NOVs) that are same or similar to those cited in this action, and received one Agreed Order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 160%

Screening Date 12-Mar-2008	Docket No. 2008-0426-MWD-E	PCW
Respondent Teen Challenge of Texas	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35538	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN102179124		
Media [Statute] Water Quality		
Enf. Coordinator Heather Brister		
Violation Number 1		
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011689001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.	
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on January 14, 2008 and as described in the attached table.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 10%

>> Programmatic Matrix

		Falsification			
	Release	Major	Moderate	Minor	
	Potential				Percent 0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2	Number of violation days 153	
		Violation Base Penalty \$2,000

mark only one with an x						
	daily					
	monthly					
	quarterly	x				
	semiannual					
	annual					
	single event					

Two quarterly events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1,774	Violation Final Penalty Total \$5,080
This violation Final Assessed Penalty (adjusted for limits) \$5,080	

Economic Benefit Worksheet

Respondent Teen Challenge of Texas

Case ID No. 35538

Reg. Ent. Reference No. RN102179124

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$5,000	1-Jul-2007	30-Nov-2008	1.4	\$355	n/a	\$355
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$20,000	1-Jul-2007	30-Nov-2008	1.4	\$1,419	n/a	\$1,419

Notes for DELAYED costs

Estimated cost for additional training and oversight of daily operations at the Facility and the cost of implementing necessary rehabilitation work at the Facility and replacing needed equipment. Date Required is the first date of noncompliance. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$1,774

Effluent Limit Violation Table

table rev.

Respondent Teen Challenge of Texas
ID Number(s) TPDES No. WQ0011689001
Docket Number 2008-0426-MWD-E
Enf. Coordinator Heather Brister

Corresponds to Violation Number:

1

EFFLUENT PARAMETER					
Permit Limit					
Month/Year	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07
Minimum Dissolved Oxygen 2.0 Milligrams per Liter	1.30	c	c	c	c
5-Day Biochemical Oxygen Demand Daily Average Concentration 20 Milligrams per Liter	27.25	c	c	c	c
Total Suspended Solids Daily Average Loading 2.5 Pounds per Day	c	c	3.78	c	c
Total Suspended Solids Daily Average Concentration 20 Milligrams per Liter	48.00	26.20	57.00	29.60	34.50
Total Suspended Solids Daily Maximum Single Grab 65 Milligrams per Liter	72.00	c	74.00	c	c

c - compliant

Compliance History

Customer/Respondent/Owner-Operator:	CN603142084	Teen Challenge of Texas	Classification: AVERAGE	Rating: 2.93
Regulated Entity:	RN102179124	COASTAL BEND YOUTH CITY	Classification: AVERAGE	Site Rating: 2.93
ID Number(s):	WASTEWATER	PERMIT	WQ0011689001	
	WASTEWATER	PERMIT	TPDES0064408	
	WASTEWATER	PERMIT	TX0064408	
	WASTEWATER LICENSING	LICENSE	WQ0011689001	

Location: Located on the north side of U.S. Highway 77, approximately two miles north of the intersection of Farm-to-Market Road 655 and U. S. Highway 77 in Nueces County, Texas.

Rating Date: 9/1/2007
Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: February 14, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 14, 2003 to February 14, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Brister Phone: (254) 761-3048

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Teen Challenge of Texas
4. If Yes, who was/were the prior owner(s)? Robert Driscoll and Julia Driscoll, Robert Driscoll Jr. Foundation, and Teen Challenge of South Texas
5. When did the change(s) in ownership occur? 5/18/2006
01/25/2007
01/18/2008

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 12/30/2005 ADMINORDER 2005-0498-MWD-E
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Effluent Limits PERMIT
- Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data (see detailed description above).
- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- 1 02/18/2003 (310127)
 - 2 04/10/2003 (192880)
 - 3 04/11/2003 (29844)
 - 4 04/24/2003 (192884)
 - 5 06/12/2003 (310130)
 - 6 06/26/2003 (310131)
 - 7 07/16/2003 (358057)
 - 8 08/20/2003 (310132)
 - 9 09/22/2003 (310134)
 - 10 10/10/2003 (310135)
 - 11 11/18/2003 (310136)
 - 12 12/11/2003 (310137)
 - 13 01/15/2004 (310138)
 - 14 02/17/2004 (310128)
 - 15 03/10/2004 (358054)
 - 16 04/12/2004 (310129)

17	05/13/2004	(358055)
18	05/14/2004	(310133)
19	06/10/2004	(358056)
20	07/09/2004	(358058)
21	09/03/2004	(358059)
22	10/15/2004	(358060)
23	11/16/2004	(385131)
24	12/10/2004	(385132)
25	01/18/2005	(385133)
26	02/14/2005	(385128)
27	02/28/2005	(349649)
28	03/16/2005	(385129)
29	04/18/2005	(385130)
30	05/05/2005	(375393)
31	05/12/2005	(423143)
32	06/13/2005	(394005)
33	06/20/2005	(423144)
34	07/18/2005	(444011)
35	08/05/2005	(444012)
36	09/19/2005	(444013)
37	10/13/2005	(474294)
38	11/21/2005	(474295)
39	12/12/2005	(474296)
40	01/12/2006	(474297)
41	02/10/2006	(474292)
42	03/13/2006	(474293)
43	04/14/2006	(502168)
44	05/15/2006	(502169)
45	06/15/2006	(502170)
46	08/16/2006	(524511)
47	08/22/2006	(487149)
48	09/18/2006	(524512)
49	06/26/2007	(563659)
50	08/09/2007	(562816)
51	08/21/2007	(603865)
52	09/18/2007	(603866)
53	02/01/2008	(614520)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	04/11/2003	(29844)	
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	OP EPA ID NO. TX0064408		
Description:	Failure to operate the facility to maintain compliance with the permit effluent limitations.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	OP EPA ID NO. TX0064408		
Description:	Failure to operate the facility to maintain compliance with the permit effluent limitations.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	OP EPA ID NO. TX0064408		
Description:	Failure to operate the facility to maintain compliance with the permit effluent		

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP EPA ID NO. TX0064408
Description: Failure to ensure the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Rqmt Prov: OP EPA ID NO. TX0064408
Description: Failure to include the identity of the individual who collected the sample or made the measurement in records of monitoring activities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Rqmt Prov: OP EPA ID NO. TX0064408
Description: Failure to accurately report monitoring results.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
Rqmt Prov: OP EPA ID NO. TX0064408
Description: Failure to provide documentation the facility is operated a minimum of five days per week by a licensed chief operator or an operator holding the required level of license or higher.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: OP EPA ID NO. TX0064408
Description: Failure to calibrate the flow meter annually.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
Rqmt Prov: OP EPA ID NO. TX0064408
Description: Failure to prohibit water connections to establishments where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the regulated entity and the source of contamination.

Date: 08/31/2003 (310134)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (310137)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (310138)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (310128)

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2004 (358054)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2004 (310129)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2004 (358055)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2004 (358056)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2004 (358058)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2004 (358059)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2004 (358060)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2004 (385131)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2005 (385129)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2005 (385130)		
Self Report?	YES	Classification:	Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/14/2005 (375393)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	OP Calibration of Instruments		
Description:	Failure to calibrate the secondary flow measuring device annually.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	OP Final Effluent Limitations		
Description:	Failure to operate the plant within effluent permit limitations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	OP Noncompliance Notification		
Description:	Failure to provide a noncompliance notification as required.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)		
Rqmt Prov:	OP Monitoring Requirements		
Description:	Failure to use appropriate equipment for chlorine residual analysis.		
Date:	06/30/2005 (444011)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2005 (444012)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2005 (474295)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2006 (474293)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/22/2006 (487149)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Effluent Limitations # 1		
Description:	Failure to comply with the effluent limitations as specified in the permit.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.7(e)		
Description:	Failure to completely fence the plant area.		

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT Operational Requirements # 1
 Description: Failure to properly maintain the aeration basins.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)(5)
 Rqmt Prov: PERMIT Monitoring & Reporting Requirements # 3c
 Description: Failure to maintain records of the quality assurance requirements for wastewater analyses.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Monitoring & Reporting Requirements # 7c
 Description: Failure to report in writing any effluent violation which deviates from the permitted effluent limitation by more than 40%.

Date: 07/31/2007 (603865)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/09/2007 (562816)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Effluent Limitations #1, Page 2
 Description: Failure to maintain compliance with the permitted effluent limits.
 The grab sample collected during the investigation was noncompliant for total residual chlorine. The result of the chlorine residual analysis was 0.14 mg/l. The permit requires the total residual chlorine to be maintained between 1 and 4 mg/L. Steps must be taken to comply with all permit limits.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Monitoring Requirements No. 5
 Description: Failure to calibrate the flow meter annually. The flow meter had not been calibrated during the previous twelve months. The flow meter must be accurately calibrated at least annually or as often as necessary to ensure accuracy.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Rqmt Prov: PERMIT Operational Requirements #1, Page 9
 Description: Failure to maintain required records and have available for review during investigations.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Rqmt Prov: PERMIT Reporting Requirements #1
 Description: Failure to complete, submit, and maintain copies of monthly discharge monitoring reports.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 Rqmt Prov: 30 TAC Chapter 319, SubChapter A 319.9(c)
 PERMIT Monitoring Requirements #3b
 Description: Failure to calibrate the pH meter each day that samples were analyzed using a minimum of two standards which bracket the pH value(s) for the sample(s) and failure to maintain a calibration record.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.6(b)(3)

Rqmt Prov: ORDER Operational Requirements #1
 Description: Failure to properly operate and maintain the chlorine contact basin.
 Specifically, the permitted detention time of at least 20 minutes was not being achieved by the chlorine contact basin.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT Operational Requirements
 Description: Failure to at all times properly operate and maintain all facilities and systems of treatment and control.
 Specifically, the fencing surrounding the plant needed repair and a manhole cover located outside of the fence was broken and inoperable. In addition, the outfall was unable to be located due to overgrown vegetation.

Date: 08/31/2007 (603866)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2007
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits. N/A
 G. Type of environmental management systems (EMSs). N/A
 H. Voluntary on-site compliance assessment dates. N/A
 I. Participation in a voluntary pollution reduction program. N/A
 J. Early compliance. N/A
 Sites Outside of Texas
 N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEEN CHALLENGE OF TEXAS
RN102179124**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0426-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Teen Challenge of Texas ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a domestic wastewater system located on the north side of United States ("U.S.") Highway 77, approximately two miles north of the intersection of Farm-to-Market Road 655 and U.S. Highway 77 in Nueces County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on January 14, 2008, TCEQ staff documented the following effluent values based on the self-reported discharge monitoring reports ("DMRs"):

EFFLUENT PARAMETER					
Permit Limit					
Month/Year	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07
Minimum Dissolved Oxygen 2.0 Milligrams per Liter	1.30	c	c	c	c
5-Day Biochemical Oxygen Demand Daily Average Concentration 20 Milligrams per Liter	27.25	c	c	c	c
Total Suspended Solids Daily Average Loading 2.5 Pounds per Day	c	c	3.78	c	c
Total Suspended Solids Daily Average Concentration 20 Milligrams per Liter	48.00	26.20	57.00	29.60	34.50
Total Suspended Solids Daily Maximum Single Grab 65 Milligrams per Liter	72.00	c	74.00	c	c

c - compliant

4. The Respondent received notice of the violations on or about February 6, 2008.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011689001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Five Thousand Eighty Dollars (\$5,080) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Five Hundred Eighty Dollars (\$580) of the administrative penalty.

The remaining amount of Four Thousand Five Hundred Dollars (\$4,500) of the administrative penalty shall be payable in nine monthly payments of Five Hundred Dollars (\$500) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Thousand Eighty Dollars (\$5,080) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Teen Challenge of Texas, Docket No. 2008-0426-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011689001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least

three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Teen Challenge of Texas
DOCKET NO. 2008-0426-MWD-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/5/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Teen Challenge of Texas. I am authorized to agree to the attached Agreed Order on behalf of Teen Challenge of Texas, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Teen Challenge of Texas waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

8/4/08
Date

Michael Adams

Name (Printed or typed)
Authorized Representative of
Teen Challenge of Texas

Executive Director

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

